

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SAMUEL J. MUSGRAVE,

Petitioner,

v.

BETTY MITCHELL, Warden,

Respondent.

Case No. 2:01-cv-780

JUDGE GRAHAM

Magistrate Judge KEMP

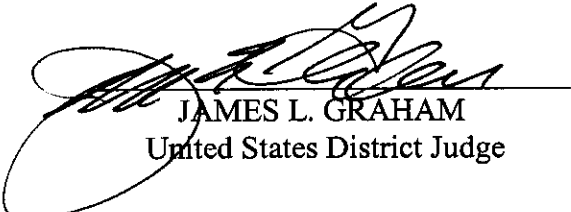
OPINION AND ORDER

On September 9, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that the petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Petitioner has objected to the Magistrate Judge's *Report and Recommendation*. Petitioner objects to all of the Magistrate Judge's recommendations.

Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of those portions of the *Report and Recommendation* objected to by petitioner. For the reasons discussed in the *Report and Recommendation*, petitioner's objections are **OVERRULED**.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This case is hereby **DISMISSED**. Petitioner's September 16, 2005, motion to lift the stay, Doc. No. 52, is **DENIED**, as moot. The Clerk is **DIRECTED** to enter final judgment dismissing this action.

IT IS SO ORDERED.


JAMES L. GRAHAM
United States District Judge